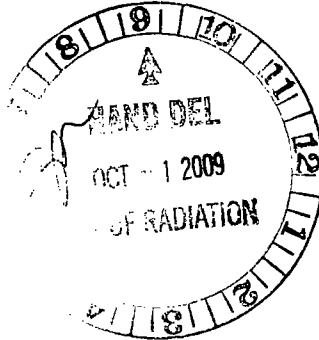




October 1, 2009

CD09-0258

Mr. Dane Finerfrock  
Executive Secretary  
Utah Radiation Control Board  
P.O. Box 144850  
Salt Lake City, UT 84114-4850



Re: Radioactive Material License Number UT 2300249 – Commitments Relating to Depleted Uranium Disposal

Dear Mr. Finerfrock:

In a letter dated September 16, 2009 (CD09-0241), EnergySolutions summarized commitments made on July 14, 2009 to the Utah Radiation Control Board regarding disposal of depleted uranium. The purpose of this letter is to suggest draft License conditions to capture those commitments.

As noted in our September 16 letter, the commitment to dispose of wastes with depleted uranium concentrations greater than 5 percent (by weight) a minimum of 10 feet below the top of cover has been captured in License amendment 5 at condition 35. For ease of reference within the license, our commitments regarding performance assessment and revised embankment design may also be captured at condition 35. Suggested language follows:

**35. Depleted Uranium:**

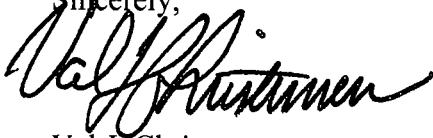
- A. Burial Depth: The Licensee shall place all wastes with depleted uranium concentrations greater than 5 percent (by weight) a minimum of 10 feet below the top of the cover. This license condition shall be removed following the completion of the Nuclear Regulatory Commission's rulemaking on Depleted Uranium and subsequent approval by the Division of the site specific performance assessment for the Clive facility.
- B. Performance assessment: A performance assessment, in general conformance with the approach used by the Nuclear Regulatory Commission (NRC) in SECY-08-0147, shall be submitted for Executive Secretary review and approval no later than December 31, 2010. The performance assessment shall be revised as needed

to reflect ongoing guidance and rulemaking from NRC. For purposes of this performance assessment, the compliance period will be 10,000 years. Additional simulations will be performed for a 1,000,000 year time frame for qualitative analysis.

- C. Revised disposal embankment design: If the performance assessment indicates that changes to disposal operations and cover design are necessary to ensure compliance with the requirements of 10 CFR Part 61 or Utah Administrative Code R313, EnergySolutions will provide a revised design within 180 days of Executive Secretary approval of the performance assessment. Any re-design will consider wastes that have been disposed of at the time the performance assessment is approved, including depleted uranium received from the U.S. Department of Energy's Savannah River Site.
- D. Surety: As part of the annual surety review required by License condition 73 and due on December 1, 2009, EnergySolutions will define and fund a contingency scenario for potential design changes listed in Condition 35.C. These contingency funds will be removed if a re-design is not required.

Please contact me at 801-649-2000, or Dan Shrum at 801-649-2109, if you have any questions regarding the foregoing.

Sincerely,



Val J. Christensen  
President  
EnergySolutions